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March 17, 2023

Via ECF

The Honorable William F. Kuntz,
United States District Court for the Eastern District of New York,
225 Cadman Plaza East,
Brooklyn, New York 11201.

Re: *In re Telefonaktiebolaget LM Ericsson Sec. Litig.*, No. 22-cv-1167-WFK

Dear Judge Kuntz:

On behalf of Defendants Telefonaktiebolaget LM Ericsson, Börje Ekholm, Carl Mellander and Xavier Dedullen, I write in brief response to Plaintiff's request for leave to file a sur-reply in opposition to Defendants' Motion to Dismiss the Amended Complaint. (Dkt. 56.) Defendants take no position on Plaintiff's request, except to request that Defendants be afforded the opportunity to briefly respond, including to correct a number of inaccuracies in Plaintiff's proposed sur-reply and because, as the movants, Defendants should be permitted the last word on their motion. *See* Individual Motion Practices and Rules of Judge William F. Kuntz, II, Rule III.F; *see also CBF Industria de Gusa S/A v. AMCI Holdings, Inc.*, 2021 WL 4190628, at *11 n.14 (S.D.N.Y. Apr. 18, 2021) (the party that "ha[s] the burden of proof on [a] motion . . . should have the last word"). Accordingly, Defendants enclose a proposed response to Plaintiff's sur-reply.

Respectfully submitted,

/s/ Robert J. Giuffra, Jr.

Robert J. Giuffra, Jr.

Counsel for Defendants
Telefonaktiebolaget LM Ericsson,
Börje Ekholm, Carl Mellander, and
Xavier Dedullen

cc: All parties of record (by ECF)